



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/522,322

03/09/2000

Scott Faber

76705-200201/US

2806

56188

7590

10/19/2006

GREENBERG TRAUIG, LLP
1900 UNIVERSITY AVENUE
FIFTH FLOOR
EAST PALO ALTO, CA 94303

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 10/19/2006.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/522,322

Applicant(s)

FABER ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44, 46-51 and 53-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44, 46-51 and 53-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/22/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed August 7, 2006.

Claims 1, 26, 41, 50, 57, and 58 have been amended.

Claim 59 has been added.

Claims 1-44, 46-51, and 53-59 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-44, 46-51, and 53-59 have been considered but are moot in view of the new ground(s) of rejection, which are necessitated by amendment.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-44, 46-51, and 53-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the recorded information is "presented by the information provider in real time." The term "real time" is relative and has not been given any temporal context in relation to the other recited limitations. Furthermore, any time given information is recorded, such a recording is done in "real time" in relation to the

recording. If one stores in storage A an original recording or a copy of an original recording, that incident of recording in storage A is performed in “real time” regardless of whether or not the recording is an original or a copy. Similar limitations are recited in independent claims 26, 41, and 57-59; therefore, the same rejection applies.

Claim 26 recites “recording information in real time as the information being provided by the information provider over the first communications connection.” Should the word “is” be inserted between “information” and “being”?

Claim 57 recites “recording information in real time as the information being provided by the information provider over the first communications connection.” Should the word “is” be inserted between “information” and “being”?

Claim 58 recites “means for recording information in real time as the information being provided by the information provider over the first communications connection.” Should the word “is” be inserted between “information” and “being”?

Claim 59 recites “recording aural/vocal/speech information in real time as the information being provided by the information provider over the first communications connection.” Should the word “is” be inserted between “information” and “being”?

Claim 59 recites “recording aural/vocal/speech information.” It is not clear if this limitation should be interpreted as “recording aural, vocal, and speech information” or as “recording aural, vocal, or speech information.” Additionally, if the vocal or speech option is addressed by the prior art (as opposed to the aural option), then there is no antecedent basis for “the recorded aural information” in the step of “providing an offer...”

All dependent claims inherit the rejections from the independent claim from which they respectively depend.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 7, 9-17, 19-20, 22, 23, 26-44, 46-50, 53 and 56-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Rossides (U.S. Patent No. 6,131,085).

Rossides discloses a system comprising:

[Claim 1] a memory to store a database (col. 5, lines 26-39 -- Questions, i.e., end user requests, are received and stored by the system; col. 10, lines 21-23 -- Answers supplied by "suppliers," i.e., effectively experts, are stored and the suppliers are paid royalties each time an answer is used in accordance with the royalty rules of the system);

a first logic unit linked with the database to establish a first communications connection with an information provider and to record information presented by the information provider in real time over the first communications connection, the database

Art Unit: 3623

to store the recorded information (col. 5, lines 26-39 -- Questions, i.e., end user requests, are received and stored by the system; col. 10, lines 21-23 -- Answers supplied by "suppliers," i.e., effectively experts, are stored and the suppliers are paid royalties each time an answer is used in accordance with the royalty rules of the system);

a second logic unit to provide an offer of the recorded information to a plurality of users (col. 5, lines 26-32; col. 16, lines 34-39; col. 92, lines 24-26 -- Answers are outputted to the end users); and

a third logic unit linked with the database to establish a second communications connection with a user in the plurality of users in response to the user accepting the offer and to deliver the recorded information from the database to the user (col. 5, lines 26-32; col. 16, lines 34-39; col. 92, lines 24-26 -- Answers are outputted to the end users);

[Claim 2] wherein the database further stores a description of the information (col. 91, line 1 through col. 92, line 56 -- An answer is searched for in the system by matching the question to a relevant answer(s));

[Claim 3] a fourth logic unit linked with the database to establish a computer connection with an information provider computer and to receive via the computer connection the description from the information provider (col. 5, lines 26-39 -- Questions, i.e., end user requests, are received and stored by the system; col. 10, lines 21-23 -- Answers supplied by "suppliers," i.e., effectively experts, are stored and the

Art Unit: 3623

suppliers are paid royalties each time an answer is used in accordance with the royalty rules of the system);

[Claim 5] a fourth logic unit linked with the database to establish a computer connection with a user computer and to deliver the description to the user computer via the computer connection (col. 5, line 49 through col. 6, line 44; col. 10, lines 21-23);

[Claim 7] wherein the description includes a price for the information (col. 21, lines 47-49; col. 22, lines 7-8; col. 23, lines 23-30, 34);

[Claim 9] wherein the first communications connection includes an audio connection (col. 22, lines 7-8; col. 23, lines 23-30, 38-39 -- The answers may be stored in audio or video format, which means that both the experts and the users may be connected to the central system via an audio or video connection);

[Claim 10] wherein the first communications connection includes a video connection (col. 22, lines 7-8; col. 23, lines 23-30, 38-39 -- The answers may be stored in audio or video format, which means that both the experts and the users may be connected to the central system via an audio or video connection);

[Claim 11] wherein the first communications connection is established over a computer network (col. 12, line 66 through col. 13, line 7; col. 16, lines 34-39; col. 112, lines 41-44);

[Claim 12] wherein the first communications connection is established over a telephone network (col. 13, lines 5-6; col. 227, lines 42-28);

[Claim 13] wherein the second communications connection includes an audio connection (col. 22, lines 7-8; col. 23, lines 23-30, 38-39 -- The answers may be stored

Art Unit: 3623

in audio or video format, which means that both the experts and the users may be connected to the central system via an audio or video connection);

[Claim 14] wherein the second communications connection includes a video connection (col. 22, lines 7-8; col. 23, lines 23-30, 38-39 -- The answers may be stored in audio or video format, which means that both the experts and the users may be connected to the central system via an audio or video connection);

[Claim 15] wherein the second communications connection is established over a computer network (col. 12, line 66 through col. 13, line 7; col. 16, lines 34-39; col. 112, lines 41-44);

[Claim 16] wherein the second communications is established over a telephone network (col. 13, lines 5-6; col. 227, lines 42-28);

[Claim 17] a fourth logic unit to bill the user for the information (col. 10, lines 38-49; col. 129, lines 25-40, 23-60; col. 136, lines 13-18; col. 210, line 57 through col. 211, line 6);

[Claim 19] wherein the database further stores information about a user account (col. 10, lines 38-49; col. 129, lines 25-40, 23-60; col. 136, lines 13-18; col. 210, line 57 through col. 211, line 6);

[Claim 20] a fourth logic unit to deduct an amount from the user account for the information (col. 10, lines 38-49; col. 129, lines 25-40, 23-60; col. 136, lines 13-18; col. 210, line 57 through col. 211, line 6);

Art Unit: 3623

[Claim 22] wherein the database further stores information about an account set up for the information provider (col. 10, lines 38-49; col. 129, lines 25-40, 23-60; col. 136, lines 13-18; col. 210, line 57 through col. 211, line 6);

[Claim 23] a fourth logic unit to credit an amount to the account when the information is delivered to the user (col. 10, lines 38-49; col. 129, lines 25-40, 23-60; col. 136, lines 13-18; col. 210, line 57 through col. 211, line 6).

[Claims 26-40] Claims 26-40 recite limitations already addressed by the rejection of claims 1-3, 5, 7, 9-17, 19-20, 22, and 23 above; therefore, the same rejection applies.

Furthermore, as per claim 30, Rossides teaches that the description is included in a list of information providers (col. 91, line 1 through col. 92, line 56 -- An answer is searched for in the system; col. 117, lines 41-47 -- Credentials of the various prospectors (or suppliers of answers) may be considered when selecting who earns the right to supply an answer).

As per claim 31, Rossides teaches that the list of information providers is delivered to the user in response to a keyword search (col. 91, line 1 through col. 92, line 56 -- An answer is searched for in the system. The question is indicative of keywords; col. 117, lines 41-47 -- Credentials of the various prospectors (or suppliers of answers) may be considered when selecting who earns the right to supply an answer).

Regarding claim 32, Rossides teaches that the list of information providers is delivered to the user in response to a category selection (col. 91, line 1 through col. 92, line 56 -- An answer is searched for in the system. The question is indicative of a

Art Unit: 3623

desired category selection; col. 117, lines 41-47 -- Credentials of the various prospectors (or suppliers of answers) may be considered when selecting who earns the right to supply an answer).

[Claims 41-44, 46-50, 53, 56-59] Claims 41-44, 46-50, 53 and 56-59 recite limitations already addressed by the rejection of claims 1-3, 5, 7, 9-17, 19-20, 22, 23, and 26-40 above; therefore, the same rejection applies.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides (U.S. Patent No. 6,131,085), as applied to claims 3 and 5 above.

[Claims 4, 6] While Rossides teaches that the invention performs communications via a network (including through the use of e-mail communications, as seen in col. 12, line 66 through col. 13, line 7; col. 16, lines 34-39; col. 112, lines 41-44), Rossides does not expressly teach that the computer connection is established through a web site accessible by the information provider computer (claim 4) and the user computer (claim 6). However, Official Notice is taken that it was old and well-known in the art at the time of Applicant's invention to connect an online network of computers through a web site

Art Unit: 3623

via the Internet. The Internet has been an extremely pervasive network that facilitates more efficient and economical global communications, thereby expanding the body of users that can communicate and transact with one another. Since Rossides states that "AC is an online network of computers with terminals that feed into a central computing unit that stores and processes questions, answers, and other information of the kind...The network includes E-mailboxes for users" (col. 12, line 66 through col. 13, line 7) and the Internet has been such a pervasive communications medium for years now, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Rossides' network of computers and central computing unit such that the computer connection is established through a web site accessible by the information provider computer (claim 4) and the user computer (claim 6) in order to facilitate more efficient and economical global communications, thereby expanding the body of users that can communicate and transact with one another.

9. Claims 8, 18, 21, 24, 25, 51, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides (U.S. Patent No. 6,131,085), as applied to claims 7, 17, 19, 22, 50, and 53 above, in view of Yokono et al. (US 2002/0029241).

[Claims 8, 18, 21, 24, 25] Rossides charges its users for information based on various factors, including a price per information item (col. 5, line 49 through col. 6, line 44; col. 10, lines 21-23) and credits to the account an amount owed (col. 10, lines 38-49; col. 129, lines 25-40, 23-60; col. 136, lines 13-18; col. 210, line 57 through col. 211, line 6);

Art Unit: 3623

however, Rossides does not expressly teach that the price includes a rate per period of time (e.g., how long the information is delivered to the user). Yokono makes up for this deficiency in its teaching of a public downloading apparatus through which a user may download audio or video information, wherein the price of the downloaded information includes a rate per period of time, i.e., the duration of the download at the public downloading apparatus (Fig. 9; ¶¶ 102, 109, 196-198). Yokono essentially implements an information distribution system (including the delivery of audio and video information, ¶ 79), similar to that of Rossides, at a public downloading apparatus, thereby expanding the access of such a system to a wider range of customers (¶ 6) while sufficiently compensating the middleman that connects the original source of information to the customers. Since Yokono enhances the type of information distribution system taught by Rossides, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Rossides to incorporate a price that includes a rate per period of time (claim 8), a fifth logic unit to track how long the information is delivered to the user and the fourth logic unit bills the user based upon how long the information is delivered (claim 18), a fourth logic unit to track how long the information is delivered to the user and a fifth logic unit to deduct from the user account an amount based upon how long the information is delivered (claim 21), or a fourth logic unit to track how long the information is delivered to the user and a fifth logic unit to credit to the account an amount based upon how long the information is delivered (claim 24) in order to expand the access of Rossides' system to a wider range

Art Unit: 3623

of customers (§ 6) while sufficiently compensating the middleman that connects the original source of information to the customers.

Additionally, as per claim 25, Official Notice is taken that it is old and well-known in the art for an information broker to charge an extra fee to compensate any additional expenses incurred as part of his/her services. Since Rossides and Yokono discuss information brokerage systems, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate with the Rossides-Yokono combination a fourth logic unit to track how long the information is delivered to the user and a fifth logic unit to credit to the account an amount based upon how long the information is delivered minus a fee in order to compensate Rossides' host computer with any additional expenses incurred as part of his/her services.

[Claims 51, 54, 55] Claims 51, 54, and 55 recite limitations already addressed by the rejection of claims 8, 18, 21, 24, and 25 above; therefore, the same rejection applies.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Speicher (U.S. Patent No. 6,282,515) -- Discloses an integrated audiotext-Internet personal ad services system and method.

Codignotto (U.S. Patent No. 7,032,030) -- Discloses a message publishing system and method.

Art Unit: 3623

Namias (US 2002/0112005) -- Discloses a video e-mail kiosk that charges a user for sending messages.

Dwek (U.S. Patent No. 6,248,946) -- Discloses a multimedia content delivery system and method.

Taufique (WO 01/20518) -- Discloses a knowledge database system and method that provide communications between experts and users seeking solutions to a request. The requests and solutions are stored in a database and experts are paid royalties each time their solutions are purchased by users.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

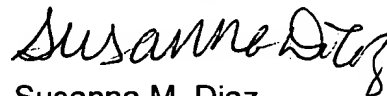
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3623

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
Art Unit 3623

October 16, 2006